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Humberto C. Portillo

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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

EXAMINER

MILEF, ELDA G

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

10/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/604,525	Applicant(s) PORTILLO ET AL.	
	Examiner Elda Milef	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16,18-42,44-66,70-92,94-116,118-138 and 140-159 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16,18-42,44-66,70-92,94-116,118-138 and 140-159 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/17/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This office action is in response to the amendments submitted by the applicants on 2/20/2009.

- Claims 1-15, 17, 43, 69, 93, 117, 139 are cancelled.
- Claims 16, 42, 68, 92, 116, and 138 are amended.
- Claims 16, 18-42, 44-66, 70-92, 94-116, 118-138, 140-159 are pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 16, 18-42, 44-66, 70-92, 94-116, 118-138, 140-159 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re claims 16, 42, 68, 92, 116, and 138: Support for the amended claim limitation "assigning by the money transfer system and based at least in part on

Art Unit: 3694

non-confidential information received from the buyer, a unique transaction number to the payment request. “

The Applicants disclose “a buyer can use the payment method of the present invention to pay for an item purchased over a computer network without the need for having to use a credit card, and without having to provide confidential information, such as a credit card account number or a bank account number over the Internet.” Pg. 8 lines 16-20. The Applicants further disclose “the agent computing system assigns a unique transaction or confirmation number to each incoming transaction request.” Pg. 10 lines 7-8 and Fig. 6D (Transaction Number (208)). The Examiner could not find support for assigning a unique transaction number to the payment request based at least in part on non-confidential information received from the buyer.

The remaining claims are rejected because of the dependency to claims 16, 42, 68, 92, 116, and 138.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16, 18-42, 44-66, 70-92, 94-116, 118-138, 140-159 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 16, 42, 68, 92, 116, and 138: The limitation, “assigning by the money transfer system and based at least in part on non-confidential information received from the buyer, a unique transaction number to the payment request is

Art Unit: 3694

indefinite because it is unclear how the unique transaction number is based at least in part on non-confidential information.

The remaining claims are rejected because of the dependency to claims 16, 42, 68, 92, 116, and 138.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16,18-26, 28-39, 41-42, 44-52, 54-65, 67-68, 70-76, 78-89, 91-92, 94-100, 102-113, 115-116, 118-123, 125-136, and 138, 140-158 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin (US 6,141,653), in view Allen (US 2001/0025271).

Conklin discloses an online commerce system including a buyer and seller (Abstract, Summary, Figs. 1), providing a money transfer system connected with at least the seller computer (Figs. 2b, 2c, 3(Community of Commerce), Fig. 7, figs. 11a-1 through 11a-3, fig.12 (payment), Fig. 30 (request for a wire-transfer), the money transfer system is operative for electronic communications with one or more buyer accessible payment location local computers operated at one or more payment locations (col. 31, lines 9-36; col. 26, line 43-col. 27 line 32, Figs. 1, 27, 30), effecting a payment from a buyer to a

Art Unit: 3694

seller (Fig. 2c; wire transfers, col. lines 51-65; col. 25, lines 55-59; col. 27, lines 14-25),

receiving at the money transfer system an electronic payment request from the seller computer in response to a proposed transaction (e.g., col. 26, lines 1-56, Fig. 9) between the buyer and the seller (col. 31, lines 11-25), seller has a web site, col. 28, lines 9-36; col. 27, lines 5-31), the payment request comprising information including at least a transaction amount (col. 31, lines 10-34),

determining by the money transfer system a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount (-see fig. 1g ("prices" 50; "catalog prices" (in Propose Orders box); "Order activity").

determining by the money transfer system a grand total amount based upon the preliminary total amount any other applicable charges (taking into account any discounts, col.25, lines 41-59; col. 31, lines 40-54; Fig. 16("Total");Fig. 30 "Details of Charges" 71 A .

communicating information from the money transfer system to the seller computer system for displaying at least the grand total amount and the unique transaction number to the buyer computer system; operative for electronic communications with at least one payment location local computer operated at one or more remote payment locations (col. 31, lines 41-45; col. 32, lines 1-16, Figures 1a-1b, cols. 17-19) the seller has a computer and is negotiating online with the buyer, the seller also knows whether there will be a discount and what

Art Unit: 3694

the shipping and handling charges are therefore the seller would see the total amount on their computer display and know what amount the buyer will be responsible for whether using cash to get a wire transfer or using a form of cash as in electronic cash, cols. 26-32; also the seller is notified by email, col. 25, line 60-co1. 26, line 19, especially col. 25, line 64-col. 26, Fig. 16; 535, Fig. 7),

in response to receipt at the money transfer system of information from a payment location that payment in the amount of the grand total amount has been received at the payment location (Figs. 7, 8, 12,16) and("the present invention enables the use of internationally accepted payment methods and automates the negotiation of them, along with the negotiation of the overall agreement. The payment vehicle most commonly used when the buyer and the seller are complete strangers to each other is the letter of credit(L/C). In a proposed letter of credit, such as that shown in FIG. 16, the buyer's bank assumes the full credit risk, and is absolutely obligated to pay the seller... The present invention enables, as part of the negotiations process, the negotiation of the terms of a letter of credit as seen in FIG. 16. The letter of credit shown there, if accepted by the deciding entity DE as part of the negotiations, can be transmitted over a SWIFT compatible network to the advising bank, for immediate implementation. Thus, if the participants are unwilling to pay using credit cards or CYBERCASH.TM. payment methods, (which are essentially cash payments in advance) a seller can still activate a Website automatically and take volume orders if it is willing to negotiate letters of credit, wire transfers, documentary collection procedures or to accept a buyer's

Art Unit: 3694

purchase order... Documentary collection payment methods, purchase order payment methods, procurement cards and similar methods can also be used and negotiated using the present invention)-see col. 26, line 65-col 27, line 30.

Conklin disclose communicating a message to the seller computer system that payment has been actually made at a payment location (Figs. 7-8, 16).

effecting completion of the electronic payment request by making payment via the money transfer system to the seller upon receipt of the payment notification by the money transfer system (Fig.8 Seller may view transaction records from pending to final sales based on criteria such as Buyer's name, unique order ID, data. etc. Orders are held in pending database until they are closed and archived by the Seller, Order is closed once seller notified that sale is finalized., col. 26, line 65- col. 27 wire transfer payment, line 30), as specified in claims 16, 42, 68, 92, 116, 138.

wherein the payment location local computer is a stand alone computing system with money transfer capabilities (buyer can use cards, or electronic cash from their computer, col. 27, lines 14-31; or computer can be at the bank where a wire transfer takes place), as specified in claims 18, 44, 70, 94, 118, 140;

wherein payment to the seller comprises the grand total amount expressed in the local currency (USD, Fig. 11a-1) of the seller, less any applicable transaction fees (shipping fees, Fig. 7; discounts, col. 25, lines 41-59; commissions, Fig. 11a- 2, 11a-3), as specified in claims 19, 45, 71, 95, 119, 141;

determining a buyer local exchange rate (Fig. 30) for the preliminary total amount based upon buyer information (Fig. 13; col. 25, lines 43-59; currency

Art Unit: 3694

conversion, col. 6, lines 51-65) provided from the buyer computer system to the seller computer system, and then to the money transfer system (sponsor or Internet), as specified in claims 20, 46

wherein the buyer information comprises buyer address information including a country (Fig. 20; Figs. 13, 27; using international payments, col. 25, lines 55-59; col. 26, lines 59-65; Figs. 5b, 15-16), as specified in claims 21; 47, 72, 96, 120, 142;

determining the grand total amount (Fig.7) expressed in the local currency of the buyer (Fig. 30) based on the determined buyer local exchange rate (USD, Fig. 11a-1, Fig. 13; col. 25, lines 43-59; currency conversion, col. 6, lines 51-65), as specified in claims 22, 48;

wherein the seller computer displays a plurality of selectable payment methods for selection by the buyer in connection with transaction (530, Fig. 7; col. 27, line 65-co1. 28, line 9), the payment method including a cash payment method (e.g., col. 27, lines 14-25; or Fig. 2), and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method, as specified in claims 23, 49, 73, 97, 121, 143;

wherein the payment request information includes information selected from the group comprising: buyer identification information, seller identification information, seller order number, transaction date, a summary of items purchased, purchase price, shipping charges, and total price

Art Unit: 3694

(Figs. 13, 27; col.25, lines 41-59; col. 26, lines 59-65; Figs. 5b, 15-16), as specified in claims 24, 50, 74, 98, 122, 144;

wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges and any applicable transaction fees (col. 31, lines 40-54; 525, Fig. 7), as specified in claims 25, 51, 75, 99, 123, 145;

generating a unique data record corresponding to the payment request and storing the data record in a staging area associated with the money transfer system (unique IDs for transactions, col. 21, lines 39-45; ; Figs. 15-23, especially Figs. 15a, 16, 30; purchase order numbers, Fig. 11a-1, 12; 570, Fig. 8; col. 20, lines 1-5; lines 57-63), as specified in claims 26, 52, 76, 100, 116, 146;

determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer, and determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges (USD, Figs. 11, Fig. 13; col. 25, lines 43- 59; currency conversion, col. 6, lines 51-65), as specified in claims 28, 54, 78, 92, 102, 125, 116, 147;

determining whether an amount associated with the transaction exceeds a predefined compliance limit (threshold of authorization, col. 15, lines 18-25; col. 20, lines 1-4), and requesting additional information from the buyer in response to a determination that said amount exceeds the predefined compliance limit (also reads on the negotiating process where the buyer is being outbid, col. 19,

Art Unit: 3694

lines 58-67; cols. 20, 25-26, 30-31), as specified in claims 29, 55, 79, 103, 126, 148;

in response to information from a payment location local computer that payment in the amount of the grand total amount has been received at the payment location, communicating a Money Transfer Control Number (MTCN) to the payment location for provision to the buyer ("buyer will be notified, Fig. 16; or see Figs. 15a, 17, 20-21), as specified in claims 30, 56, 80, 104, 127, 149;

providing a receipt to the buyer at the payment location, the receipt bearing at least the MTCN ("buyer will be notified, Fig. 16; or see Figs. 15a, 17, 20-21), as specified in claims 31, 57, 81, 105, 128, 150;

wherein the payment made by the buyer at the payment location is by cash, credit card, or check (530, Fig. col.27, line 65-co1. 28, line 9 or col. 27, lines 14-25 or Fig. 2), as specified in claims 32, 58, 82, 106, 129, 151;

wherein the information provided step of communicating information to the seller computer system for displaying to the buyer computer system includes instructions to the buyer that payment in the grand total amount should be tendered to a payment location (Figs. 15 C-1, 15 C-2; "buyer will be notified, Fig. 16; Figs. 17, 19, 21 and respective disclosure), as specified in claims 33, 59, 83, 107, 130, 152;

wherein the information provided in the step of communicating information to the seller computer system for displaying to the buyer computer system includes information as to a plurality of payment locations at which actual payment may be tendered (plurality of sponsors or banks for wire transfer or

Art Unit: 3694

see 530, Fig. 7; col. 27, line 65-co1. 28, line 9; or col. 27, lines 14-25; or Fig. 2), as specified in claims 34, 60, 84, 108, 131, 153;

wherein a payment gateway is positioned to communicate information between the seller computer and the money transfer system (e.g., sponsor, Fig. 4a; bank, col. 27, lines 14-31), as specified in claims 35, 61, 85, 109, 132, 154;

canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period (not responding to a negotiation would lead to canceling an order, col. 25, line 60-col. 26, line 197 expiration date, Fig. 16), as specified in claims 36, 62, 86, 110, 133, 155;

wherein the payment request includes an order number provided by the seller computer (unique Ids for transactions, col. 21, lines 39-45; Figs. 15-16; purchase order numbers, Fig. 11a-1, 12), as specified in claims 37, 63, 87, 111, 134, 156;

wherein the seller is a merchant and operates an Internet- accessible web site for conducting transactions with buyer computers (04, Figs. 1; col. 17, lines 13-35; col. 18, lines 38- 46; col. 28, lines 9-36), as specified in claims 38, 64, 88, 112, 135, 157;

accessing information stored at the money transfer system including the grand total amount due from the buyer, response to receipt of a message from a payment location including the unique confirmation number, and communicating the grand total amount to the payment location accessing data, (e.g., 570, Fig. 8; col. 20, lines 1-5; lines 57-63), as specified in claims 41, 67, 91, 115.

In Conklin, when a seller accepts a purchase order (Figs. 18, 21) the seller is essentially requesting a "necessary payment" (Fig. 18) and generates a transaction number (numbers associated with wire transfer, Fig. 30; or purchase order numbers, Figs. 18, or 21). However, Conklin does not explicitly disclose assigning by the money transfer system a unique transaction number to the payment request, wherein the unique transaction number is associated with the transaction between the buyer and seller; receiving at the money transfer a payment notification associated with the unique transaction number from the payment local computer, wherein the payment notification indicates payment in the amount of the grand total amount has been submitted at the payment location as specified in claims 16, 42, 68, 92, 116, and 138. Allen however, teaches a commercial transaction system and method for enabling a buyer to purchase goods over a communication network, such as the Internet, without disclosing the buyer's credit or identity to the seller by using a unique transaction number(unique confidential transaction number, CTN) as a means of paying for a seller's goods selected for purchase by the buyer over the network-see Abstract, figs. 1A-4 and related text. Allen further discloses a payment notification associated with the unique confidential transaction number (Seller is informed that the sale has been successfully completed.-para. [0035]; figs. 4 and related text). It would have been obvious to one having ordinary skill in the art to include in the buyer/seller network method and system of Conklin the ability to use a unique confidential transaction number as a means of paying a seller as taught by Allen since the claimed invention is merely a combination of old elements, and

Art Unit: 3694

in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conklin disclose an online auction system in col. 13, col. 19, lines 60-64 as specified in claims 39, 65, 89, 113, 136, 158.

5. Claims 27, 40, 53, 66, 77, 90, 101, 114, 124, 137, 159 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Conklin in view of Allen as set forth above, in further view of Godwin (Travel Weekly, v44, pg 19(2), #02472750 from file 148).

Conklin fails to particularly call for storing the data record in a payment confirmation queue in response to receipt of the information from the payment location that payment has been actually made at the payment location, as specified in claims 27, 53, 77, 101, 124; and

maintaining device queue records comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery, as specified in claims 40, 66, 90, 114, 137, 159.

Godwin teaches using queues for payments –see p. 2, pars. 3-8. (“The cruise lines keep tabs on other agent activity besides bookings, by checking the queues frequently...Besides the confirmation queue, there are the option payment and final payment queues and the cancellation queue...If the deposit has not arrived by two days before the due date, the agency’s PNR appears in

Art Unit: 3694

the cruise line's option payment queue and a message goes into the agency's queues as well. If the payment also does not show up on the due date, the PNR will be dropped into the expired option queue...The final payment queues work in the same way, giving notice to the shipline and the agency two days before money is due and dropping the PNR into the expired final payment queue...")

It would have been obvious to one of ordinary skill that because Conklin discloses proposed orders "pending", (Conklin: col. 20, lines 57-61), accessing stored records (Conklin: Fig. 8) and using email (Conklin: Fig. 7), that it would have been obvious to use a memory labeled as a buffer or a queue for helping when there is network traffic and a source cannot send the messages at the present time, especially since Conklin uses emails (e.g., Conklin: Figs. 11, or 18-23) which have queues.

Response to Arguments

6. Applicant's arguments filed 7/16/2009 have been fully considered but they are not persuasive.

Regarding the applicant's suggestion that neither Conklin nor Allen appear to teach or suggest "assigning by the money transfer system and based at least in part on non-confidential information received from the buyer, a unique transaction number the payment request." Conklin disclose a system and method wherein the buyer chooses a payment method including letters of credit, credit card, and wire transfer request. Fig. 7 (530). The transaction records include a unique order ID number. Fig. 8 (570). Conklin further disclose buyer order numbers on payment requests submitted by the buyer. Fig. 16 (380) and

Art Unit: 3694

Fig. 30 (70). Allen disclose a confidential transaction provider generating and issuing a unique confidential transaction number to a buyer once a credit/debit card is preliminarily approved for the purchase by the confidential transaction provider. See Fig. 3. and Abstract. There is no exchange of confidential information i.e., credit card numbers, between the buyer and the seller

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is

Art Unit: 3694

(571)272-8124. The examiner can normally be reached on Monday -Friday 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elda Milef
Examiner
Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694